

## Remarks

Claims 1, 2 and 7 are amended.

Claims 1-8 and 10-12 are pending and are under consideration.

Within claims 1 and 2, the definitions of  $R_2$  when  $n$  is 2 were incorrect. They are repaired by replacing “-S-(CH<sub>2</sub>)<sub>p</sub>-S or -S-(CH<sub>2</sub>)<sub>2</sub>-[O-(CH<sub>2</sub>)<sub>2</sub>]<sub>m</sub>-S-” with “-(CH<sub>2</sub>)<sub>p</sub>- or -(CH<sub>2</sub>)<sub>2</sub>-[O-(CH<sub>2</sub>)<sub>2</sub>]<sub>m</sub>-”.

The sulfur atoms should not have been present. Support is found in the structures listed in lines 2-3 on page 4 of the disclosure.

Within claim 7, the definition of  $R_2$  when  $n$  is 2 was incorrect. Claim 7 is repaired by replacing “-S-(CH<sub>2</sub>)<sub>p</sub>-S-” with “-(CH<sub>2</sub>)<sub>p</sub>-”.

Support is found in the specification, page 4, lines 4-5, where it is stated that compounds of the formula I are prepared from thioethers of formula II. The definitions of compounds of formula II must be consistent with those of formula I.

No new matter is added.

Claims 1-8 and 10-12 are rejected under 35 USC 112, second paragraph, for reasons of record.

The Examiner alleges that the claims are indefinite when “ $n$ ” is 2. Applicants again point to the structures in lines 2-3 on page 4 of the disclosure. Applicants submit that these structures are clear when “ $n$ ” is 2.

In view of this, Applicants submit that the 35 USC 112, second paragraph rejections are addressed and are overcome.

Clais 1-8 and 10-12 are rejected under 35 USC 102(e) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over WO 02/42262.

Applicants respectfully rebut these rejections.

The compounds of formula I of claims 1-6, 8 and 10-11 are sulfoxides. The compounds of the cited reference are sulfides. There is no possible overlap of the present sulfoxides with the sulfides disclosed in the cited reference.

In contrast to sulfides, the present sulfoxides are graftable with elastomers. This is demonstrated in the instant application. Table 2 on page 29 of the disclosure reveals that the "A" stabilizers (sulfides) show a non-extractable additive of 0% (the comparative examples). The corresponding sulfoxides, the "B" stabilizers, show a non-extractable additive amount of 5 to 48%. This demonstrates that the sulfoxides are graftable with elastomer while the corresponding sulfides are not. These results are surprising and could not be expected.

Table 3 on page 30 additionally discloses that the stabilizers of the present invention, the "B" stabilizers are more potent as stabilizers in elastomers than the corresponding sulfides ("A" stabilizers). See 1A vs. 1B, 2A vs. 2B, 3A vs. 3B, 4A vs. 4B and 8A vs. 8B.

Applicants submit that in view of these remarks and the results of the working Examples, that claims 1-6, 8 and 10-11 are not anticipated nor obvious over the cited reference.

Claims 7 and 12 are aimed at compounds of formula II', certain sulfide precursors. The specifically disclosed sulfide of Example 1 on page 20 of WO '262 is excluded from claim 7.

The preferred compounds of WO '262 are where R<sub>2</sub> (of present case) is a heterocyclic ring (see claim 1 and Examples 6, 7, 9, 15 therein). Thus, WO '262 guides a skilled person away from the claimed subject matter of present claims 7 and 12.

In view of all of the above, Applicants submit that the 35 USC 112, second paragraph, 35 USC 102(e) and 35 USC 103(a) rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that claims 1-8 and 10-12 are in condition or allowance and respectfully request that they be found allowable.

#### **Information Disclosure**

A supplemental form PTO 1449 is submitted with the non-patent references being again listed, this time with a month and year.

The Katritzky et al., Mazzeo et al and Miller et al references are again submitted.

Ciba Specialty Chemicals Corp.  
540 White Plains Road  
P.O. Box 2005  
Tarrytown, NY 10591-9005  
Tel. (914)785-2783  
Fax (914)785-7102

Respectfully submitted,



Tyler A. Stevenson  
Agent for Applicants  
Reg. No. 46,388

Attachments: PTO form 1449  
3 References